

JUN 28 2005

**FAX TRANSMITTAL**

**To:** PTO Commissioner  
**Company:** US PATENT OFFICE  
**Fax Number:** 1-703-872-9306

**From:** George A. Leone, Sr.  
**Company:** George A. Leone & Associates Law Offices  
**Fax Number:** 763-754-5943  
**Voice Number:** 763-767-2762

**Pages:** 6  
**Date:** 06/28/2005 **Time:** 3:24:04 PM  
**Regarding:** USAN 10/716,744

**Comments:**

STATUS INQUIRY ON PETITION TO MAKE SPECIAL FILED 11/18/2003.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/716744 Confirmation No. 6749

Applicant(s): FAUVER

Filed: 11/18/2003

TC/A.U. : 3737

Title: METHOD AND APPARATUS OF SHADOWGRAM FORMATION FOR  
OPTICAL TOMOGRAPHY

Examiner: MANTIS MERCADER

RECEIVED  
CENTRAL FAX CENTER

JUN 28 2005

Docket No. : 60080US

Customer No. : 23430

Commissioner for Patents  
PO BOX 1450  
Alexandria VA 22313-1450STATUS INQUIRY REGARDING PETITION TO MAKE SPECIAL

Sir:

1. More than 18 months have passed since the filing of this application on 11/18/2003 with a Petition to Make Special and appropriate fees. No communication has been received from Patent and Trademark Office indicating action on the Petition to Make Special or this application.
2. Kindly advise the undersigned of the present status of this application and specifically the Petition to Make Special. A copy of the petition papers is enclosed for your reference, but is also available on PAIR.

I hereby certify this correspondence is being transmitted  
via facsimile or deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, PO BOX 1450  
Alexandria VA 22313-1450.  
Date of facsimile transmission:

Typed Name: George A. Leone

Signature: George A. Leone

Respectfully submitted,

Fauver et al.

By George A. LeoneGeorge A. Leone  
Attorney/Agent for Applicant(s)  
Reg. No. 30567

Date:

**RECEIVED**  
**CENTRAL FAX CENTER**  
**JUN 28 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: Confirmation No.  
Applicant(s): FAUVER  
Filed:  
TC/A.U. :  
Title: METHOD AND APPARATUS OF SHADOWGRAM FORMATION FOR  
OPTICAL TOMOGRAPHY  
Examiner:  
Docket No. : 60080US  
Customer No. : 23430

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102 FOR INVENTION RELATED TO  
CANCER DIAGNOSIS (MPEP 708.2 X)**

This is a Petition to Make Special the above-identified patent application. The basis for this petition is the invention's contribution to the diagnosis, treatment or prevention of cancer. In accordance with MPEP 708.02 X, a statement by Applicant, explaining how the invention contributes to the diagnosis, treatment or prevention of cancer is attached hereto.

The following papers are also enclosed herewith:

Statement of Alan C. Nelson, Ph.D.,

Fee Transmittal (enclosed with utility patent transmission form letter), and

Credit Card Payment Form (also enclosed with utility patent transmission form letter).

11/24/2003 BABRAHA1 00000033 10716744

06 FC:1460

130.00 0P

In view of the above, Applicant requests that the Petition to Make Special be granted and the examination of the application be advanced.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Date of Transmission: 11/18/2003

Typed Name: George A. Leone

Signature: George A. Leone

George A. Leone  
George A. Leone  
Attorney/Agent for Applicant(s)  
Reg. No. 30567  
2150 128<sup>th</sup> Ave. NW  
Minneapolis, MN 55448  
Date: November 18, 2003  
Telephone No.: 763-767-2762

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: Confirmation No.

Applicant(s): FAUVER

Filed:

TC/A.U. :

Title: METHOD AND APPARATUS OF SHADOWGRAM FORMATION FOR  
OPTICAL TOMOGRAPHY

Examiner:

Docket No. : 60080US

Customer No. : 23430

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF ALAN C. NELSON, Ph.D.**

I, Alan C. Nelson, Ph.D., hereby state as follows:

1. That I am the Chairman and CEO of VisionGate, Inc., assignee of my entire interest of the subject patent application.
2. That I obtained a Ph.D. in biophysics from the University of California, Berkeley in 1980.
3. That I am also an inventor of the subject matter claimed in the subject patent.
4. That this Statement is made in support of a petition to grant this application special status based on the invention's contribution to the early diagnosis, treatment or prevention of cancer.
5. I have worked in the field of cancer diagnosis since 1972 and I hold a number of U. S. and foreign patents for inventions that contribute to the early diagnosis, treatment or prevention of cancer, including recently:

United States Patent 6,522,775, issued February 18, 2003 and entitled "Apparatus and Method for Imaging Small Objects in a Flow Stream Using Optical Tomography," and

United States Patent 6,519,355, issued February 11, 2003 and entitled, "Optical Projection Imaging System and Method for Automatically Detecting Cells Having Nuclear and Cytoplasmic Densitometric Features Associated with Disease."

6. That the invention of the subject patent application submitted herewith contributes to the early diagnosis, treatment or prevention of cancer by providing an emission computed optical tomography imaging system using shadowgram formation that analyzes an object, such as a biological cell labeled with a tagged molecular probe, where the measured location of the probe may yield important information about the disease state of the cell, including, but not limited to, various cancers such as lung, colon, prostate, breast, cervical and ovarian cancers.

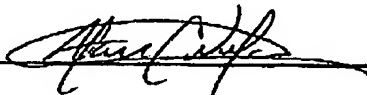
7. That the invention of the subject patent application is related to the same system as the invention of co-pending application no. 10/126,026 that has previously been granted special status.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: ALAN C. NELSON, Ph.D.

Residence: 1509 56th Avenue Court NW, Gig Harbor, WA 98335

Signature



Nov. 13 2003

Date